



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

*Street address:* 629 East Main Street, Richmond, Virginia 23219

*Mailing address:* P.O. Box 1105, Richmond, Virginia 23218

Fax (804) 698-4500 TDD (804) 698-4021

[www.deq.virginia.gov](http://www.deq.virginia.gov)

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

(804) 698-4000  
1-800-592-5482

### Public Notice – Environmental Regulation

**Notice of intended action:** The State Water Control Board intends to consider drafting a proposal for amendments to regulations on water quality. A regulation is a general rule governing people's rights or conduct that is upheld by a state agency.

**Regulation name:** Shellfish Aquaculture Enhancement Zones

**Purpose of notice:** The board is seeking comments through the Department of Environmental Quality on the intended regulatory action, including but not limited to 1) ideas to assist the board in the development of a proposal 2) the costs and benefits of the alternatives stated in this notice or other alternatives and 3) effects of the regulation on farm forest land preservation and 4) whether the board should use an advisory committee. The board is also seeking information on impacts on small businesses.

**Public comment period:** September 17, 2007 to October 24, 2007

**Public meeting:** Eastern Shore Agricultural Research and Extension Center (AREC), 33446 Research Drive in Painter, VA 23420 on October 17, 2007 at 2 p.m. Unlike a public hearing, which is intended only to receive testimony, this meeting is being held to discuss and exchange ideas and information relative to the development of a proposal.

**Public comment stage:** Notice of Intended Regulatory Action

**Subject matter and intent of proposal:** The intent and subject matter of the rulemaking is to consider a new designation of "Aquaculture Enhancement Zones" on the Eastern Shore of Virginia and narrative criteria to provide additional protection to these waters that are used or could reasonably be used for shellfish aquaculture or to support aquaculture by requiring applicants to demonstrate that practicable alternatives to discharging pollutants to the listed waters have been evaluated and that the proposed discharge is the alternative that produces the least environmental impact. The rulemaking will also consider how the shellfish policy in 9 VAC-25-370 and the water quality standards (e.g. shellfish public hearing requirements in 9 VAC 25-260-270) should be amended in order to consolidate water quality protection efforts for shellfish for the purposes of improving the clarity and efficiency of implementation of these related activities.

**Advisory committee:** The board is using an advisory committee to develop a proposal. Persons interested in assisting in the development of a proposal should notify the DEQ contact person by the end of the comment period and provide their name, address, phone number, email address and affiliated organization (if any). Persons who want to be on the advisory committee are encouraged to attend the public meeting mentioned above. The primary function of the advisory committee is to develop recommended regulation amendments for DEQ consideration through the collaborative approach of regulatory negotiation and consensus. Multi-applications from a single company, organization, group or other entity count as one for purposes of making a decision through the collaborative approach. Notification of the composition of the advisory committee will be sent to all applicants.

**How to comment:** DEQ accepts written comments by e-mail, fax and postal mail. All written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5 p.m. on the last day of the comment period. Both oral and written comments are accepted at the public meeting. DEQ prefers the submittal of written comments, including a copy of supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

**How a decision is made:** After comments have been considered, the board will decide whether to take action on a proposal. If the board decides to consider the regulation, there will be another public comment opportunity, including a public hearing. After these comments have been considered, the board will make the final decision.

**To review regulation documents:** The agency background document (including purpose, statutory authority, need, substance of planned regulatory changes, alternatives and the family impact statement) is available on the Town Hall web site at [www.townhall.virginia.gov](http://www.townhall.virginia.gov) and by contacting the DEQ representative named below. There are no regulation amendments available for public comment at this time.

**Contact for public comments, document requests and additional information:**

Elleanore Daub, Department of Environmental Quality, P.O. Box 1105, Richmond, VA 23218 or 629 E. Main Street, Richmond, VA 23219. Phone: (804) 698-4111 E-mail: [emdaub@deq.virginia.gov](mailto:emdaub@deq.virginia.gov) Fax: (804) 698-4032